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January 16, 2024

VIA ECF

Hon. Cathy Seibel
Hon. Nelson S. Román
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*,
Case No. 7-13-cv-09239-CS-VR; and *The Wave Studio, LLC v. trivago N.V. et al.*,
Case No. 7-23-cv-03586-NSR-VR

Dear Judges Seibel and Román:

We are counsel to The Wave Studio, LLC in the above captioned actions. We write to seek the Court's guidance on reassigning *The Wave Studio, LLC v. trivago N.V. et al.*, Case No. 7-23-cv-03586-NSR-VR to *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*, Case No. 7-13-cv-09239-CS-VR, case.

The action styled *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*, Case No. 7-13-cv-09239-CS-VR, jointly administers the eleven substantially similar copyright infringement matters brought by Wave against over ninety defendants.¹

¹ *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*, Case No. 7-13-cv-09239-CS-VR case jointly administers the following cases: (1) *The Wave Studio, LLC v. Amadeus North America, Inc., et al.*, Case No. 7:15-cv-06995-CS; (2) *The Wave Studio, LLC v. American Express Company*, Case No. 7:15-cv-03420; (3) *The Wave Studio, LLC v. AOL Inc. et al.*, Case No. 7:15-cv-05962-CS; (4) *The Wave Studio, LLC v. Booking Holdings Inc., et al.*, Case No. 7:21-cv-02691-CS; (5) *The Wave Studio, LLC v. British Airways PLC, et al.*, Case No. 7:15-cv-07950-CS; (6) *The Wave Studio, LLC v. Citibank N.A., et al.*, Case No. 7:22-cv-05141; (7) *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*, Case No. 7:13-cv-09239-CS-PED; (8) *The Wave Studio, LLC v. Groupon, Inc., et al.*, Case No. 7:17-cv-03589-CS; (9) *The Wave Studio, LLC v. United Airlines, Inc.*, Case No. 7:15-cv-05392-CS; (10) *The Wave Studio, LLC v. Virgin America Inc., et al.*, Case No. 7:15-cv-05960-CS (resolved); (11) *The Wave Studio, LLC v. Visa, Inc.*, Case No. 7:15-cv-04953-CS.

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Following a November 29, 2023 hearing before Judge Seibel in the jointly administered case, Plaintiff was directed to file a Master Complaint by today, January 16, 2024, to serve notice of the extent of the infringement as to each defendant (as known to Plaintiff) in the jointly administered case. Plaintiff has done exactly that, detailing hundreds of thousands of instances of Defendants' infringement.

Per Judge Seibel's Order, the filing of the Master Complaint triggers a 90-day period during which the parties have agreed to try and resolve the jointly administered cases. The hope being that even if the entire jointly administered case is not resolved, the number of defendants will be reduced to a manageable number.

The action styled *The Wave Studio, LLC v. trivago N.V. et al.*, Case No. 7-23-cv-03586-NSR-VR, which is also a substantially similar copyright infringement case brought by Wave, is on a very different procedural track. The parties have entered into a scheduling order and motion practice has begun. Specifically, Defendant Trip.com has moved to dismiss the case and some of the scheduling deadlines are fast approaching.

We respectfully request that *The Wave Studio, LLC v. trivago N.V. et al.*, Case No. 7-23-cv-03586-NSR-VR be transferred to the jointly administered case, *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*, Case No. 7-13-cv-09239-CS-VR, pending before Judge Seibel. Such a transfer will serve the interest of judicial economy and efficiency and is consistent with the November 29, 2023, hearing. During the hearing, Judge Seibel indicated her willingness to "reel" in the *trivago* case and join it with the GHM jointly administered case – including Judge Román's openness to the reassignment. ECF No. 321, 23:19-24:4, 26:16-19, 39:23-40:9. The Master Complaint filed in the GHM case also details the ways in which the defendants in the *trivago* case infringed Wave's copyrights.

Plaintiff respectfully requests that such a transfer be made. To the extent that the Courts require a formal motion to achieve this end, Plaintiff respectfully requests that the Courts treat this letter, filed in both actions, as a premotion letter.

Respectfully Submitted,

Gabriel Berg

Gabriel Berg
Partner